

RJC/CKV/jjs

04330A-20006

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RAYMOND COOPER,)
vs.)
Plaintiff,)) Case No. 21-cv-2627
vs.)
DOUBLETREE MANAGEMENT, LLC,)
a Foreign Limited Liability Company, d/b/a)
DOUBLETREE BY HILTON CHICAGO-)
MAGNIFICENT MILE, DOUBLETREE BY)
HILTON CHICAGO — MAGNIFICENT MILE,)
individually, HILTON MANAGEMENT, LLC,)
a Foreign Limited Liability Company,)
DOUBLETREE HOTEL SYSTEMS, LLC,)
a Foreign Limited Liability Company, THE)
CHARTRES LODGING GROUP, LLC,)
a Foreign Limited Liability Company and)
KOKUA HOSPITALITY, LLC, a Foreign)
Limited Liability Company,)
Defendants.)

DEFENDANT'S NOTICE OF REMOVAL

NOW COMES the Defendant, DOUBLETREE MANAGEMENT, LLC by and through its attorney, ROBERT J. COMFORT of JOHNSON & BELL, LTD., and pursuant to Title 28 United States Code, Sections 1332(a), 1441(a), and 1446(b), hereby files its Notice of Removal of this civil action to this court from the Circuit Court of Cook County, Law Division, Illinois for the following reasons:

1. Plaintiff, Raymond Cooper, commenced this action in the Circuit Court of Cook County, Law Division, by filing his Complaint at Law on October 6, 2020 under

Court No. 2020 L 010629 against Defendant. (*A copy of Plaintiff's Complaint at Law, is attached hereto and incorporated herein as Exhibit "A."*)

2. Defendant, Doubletree Management, LLC was served with Summons and a copy of the Complaint at Law through CSC on October 16, 2020. (*A copy of the Summons and purported Proof of Service is attached hereto and incorporated herein as Exhibit "B."*)

3. On October 30, 2020, Plaintiff voluntarily dismissed the remaining named defendants: Doubletree By Hilton Chicago-Magnificent Mile, Hilton Management, LLC, Doubletree Hotel Systems, LLC, Chartres Lodging Group, LLC and Kokua Hospitality, LLC. (*See October 30, 2020 Order attached hereto and incorporated herein as Exhibit "C"*)

4. The Plaintiff's Complaint at Law failed to contain any allegations of Plaintiff's citizenship. (*Exhibit "A"*) Consequently, the Plaintiff's Complaint at Law would not have established diversity jurisdiction. Pursuant to 28 U.S.C. §1446(b), “(i)f the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may be first ascertained that the case is one which is or has become removable...” 28 U.S.C. §1446(b)

5. On November 16, 2020, Defendant served written interrogatories on Plaintiff to establish the citizenship of the Plaintiff and the amount in controversy.

7. On April 14, 2021, the Plaintiff answered the interrogatories initially disclosing that the Plaintiff, Raymond Cooper, is a citizen of Illinois and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. (*See Plaintiff's Answers*

to Citizenship Interrogatories, Interrogatory Nos. 2 through 7 and No. 8 attached hereto and incorporated herein as Exhibit "D")

8. The instant Notice of Removal is filed within thirty (30) days after Defendant first obtained evidence of Plaintiff's citizenship, the amount in controversy and ascertained the case was removable and is, thus, timely filed pursuant to Title 28, United States Code, Section 1446(b).

9. Complete diversity of citizenship exists as the plaintiff is a citizen of Illinois (Ex. "D", Nos. 2-7) and the Defendant is a are citizen of Delaware and/or Virginia.

8. The amount in controversy exceeds \$75,000.00 exclusive of interest and costs. (Ex. "D", No. 8)

9. This court has original jurisdiction over this civil action based upon diversity of citizenship pursuant to Title 28, United States Code, Section 1332 *et seq.* Complete diversity of citizenship exists as Plaintiff and Defendants are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs. Title 28, United States Code, Section 1332 *et seq.*

WHEREFORE, Defendant, DOUBLETREE MANAGEMENT LLC, files its Notice of Removal and Petitions this Court for removal of this civil action from the Circuit Court of Cook County to the United States District Court for the Northern District of Illinois, Eastern Division for all further proceedings in this matter.

Dated May 14, 2021.

Respectfully submitted,

JOHNSON & BELL, LTD.

/s/Robert J. Comfort
One of the Attorneys for
Defendant Doubletree Management, LLC

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